

CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date <u>07/27/00</u> Agenda Item <u>5</u>

TO: Planning Commission

FROM: Arlynne J. Camire, Associate Planner

SUBJECT: Six-Month Review of Revocation Of Use Permit No. 20313 - Al M. Casatico

(Owner), Joseph Huber (Business Owner- Hayward Auto Wholesale) - Request of the Planning Director to revoke a use permit that allows used automobile sales and minor automobile repair due to noncompliance with the conditions of approval and Hayward Municipal Code Requirements - The site is located at 22301 Mission Blvd, in a Central

City Commercial (CC-C) Subdistrict

RECOMMENDATION:

It is recommended that the Planning Commission revoke the use permit for non-compliance with the conditions of approval and municipal code requirements.

BACKGROUND:

On January 13, **2000**, the Planning Commission voted to revoke the use permit by January 31, 2000 if the property was not brought into conformance with the conditions of approval and if various Hayward Municipal Code violations were not corrected. By that date, Hayward Auto Wholesale was in compliance and all vehicles had been removed from an adjacent parking lot located at 811 Grace Street. The Commission had requested staff to review the property at the end of six months to see whether it continued to comply.

Compliance to the conditions of approval to remove a roof sign and to plant and maintain landscape occurred. However, staff observed several recurring violations. Previous Municipal Code violations of outdoor auto repair and off-site vehicle storage and parking on public streets again commenced after one month of compliance. It appears that the business has outgrown the property in terms of the area needed to conduct business. On March 30, 2000, a letter was **sent** reminding the business owner, Mr. Joseph Huber, that the use permit would be reviewed within 6 months (Attachment D). The following outstanding violations were pointed out in the letter:

• Operations were not confined to the site as business was being conducted on public streets including Mission Boulevard in front of Hayward Auto Wholesale and Grace Street. In addition, vehicles and equipment were stored on an adjacent St. Vincent de Paul Thrift Store parking lot;

• Wholesale operations are occurring while the use permit allows retail sales only.

Staff received a letter in response dated April 12, 2000, from James P. Mootz, an attorney representing Mr. Huber. He stated that during an April 6, 2000 visit, he saw no evidence that repairs were performed outside of the garage, that there was no evidence that public streets were used to conduct business and that Mr. Huber was not operating a wholesale business.

However, during the period from April through July, staff observations included the following:

- Business continues to be conducted on public streets. Vehicles for sale are parked on Mission Boulevard in front of Hayward Auto Wholesale, on Grace and Pearce Streets. A Community Preservation Inspector using photographs of automobiles parked on Pearce Street identified several of the same vehicles that were later parked at Hayward Auto Wholesale (Attachment F). In addition, Pearce Street residents have observed the automobiles being moved from Hayward Auto Wholesale to public streets and back (Attachments F and G).
- Vehicles parked at the adjacent parking lot at 811 Grace Street were once removed to comply with the Zoning Ordinance that prohibits vehicle storage at a parking lot in the Central City-Commercial Subdistrict. However, this parking lot is currently used for vehicle storage on Saturdays as observed by residents and Community Preservation Inspectors (Attachment F).
- Vehicles and equipment associated with Mr. Huber are stored on a property owned by St. Vincent
 de Paul at 22335 Mission Blvd at the rear of the lot located at Melvin Court and Smalley Avenue.
 This location is also in the Central City- Commercial Subdistrict therefore vehicle storage is
 prohibited at this site. St. Vincent de Paul evicted Mr. Huber, however, only 87 of the 110
 vehicles have been removed. Therefore a lien sale will be conducted after the owners of record
 have been contacted,
- Vehicle repair to the engines of vehicles to be sold is conducted outside the garage,
- Mr. Huber mentioned that he wholesales to other automobile dealers and to an auction; however, the use permit is for retail sales only, and
- On several occasions, the Police Department has observed people sleeping in vehicles located to the rear of the site.

It appears that the business owner is still unable to confine his business to the site and is negatively impacting the adjacent residential and commercial neighborhood. The activities of Hayward Auto Wholesale have encroached into the adjacent residential neighborhood by using residential streets for parking vehicles that are awaiting repair or purchase, and when creating noise by repairing vehicles outside of the garage. In addition, commercial on-street parking is limited by vehicles awaiting repair or sale. Furthermore, parked vehicles are being used inappropriately at night for various illegal activities that further jeopardize neighborhood safety. Therefore, the Planning Director is

illegal activities that further jeopardize neighborhood safety. Therefore, the Planning Director is referring this use permit once again to the Planning Commission because of noncompliance with the conditions of approval and permitted uses for the Central City-Commercial Subdistrict.

Notice to Property and Business Owners and Public Notice

On July 6, 2000, a letter was sent to Mr. James P. Mootz, the property owner and the business owner, informing them of the public hearing. In addition, on July 17, 2000, Notice of Public Hearing was mailed to every property owner, and resident within 300 feet of the property as noted on the latest assessor's records, to former members of the North Hayward Task Force and to the business owner. Staff has received two responses from Celeste Perry whose mother is a resident on Pearce Street (Attachments F and G).

Conclusion

Although the Planning Commission voted in January to revoke the use permit if the property was not brought into compliance the Municipal Code, and a letter of reminder was sent, it appears that the business owner has failed to confine his operations to the site and comply with the conditions of approval. Therefore, staff recommends that the use permit be revoked.

Prepared by:

Arlynne J. Camire, AICP Assocate Planner

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

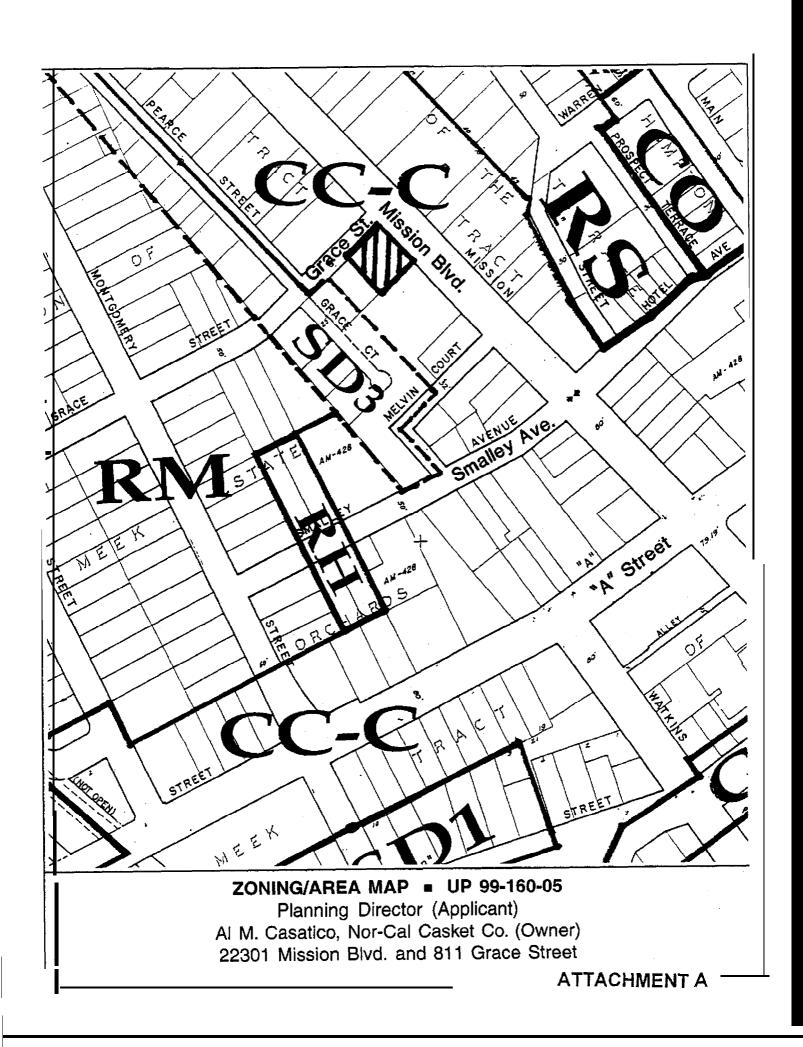
- A Zoning-Area Map
- B Aerial Photo
- C Planning Commission Staff report and minutes for meeting of January 13, 2000
- D Staff Letter Dated March 30, 2000
- E Attorney's Response Dated April 12, 2000
- F Letter from Celeste Perry Dated July 15, 2000
- G Email from Celeste Perry Dated July 19, 2000

FINDINGS FOR REVOCATION

Use Permit No. 203 13 22301 Mission Blvd Hayward Auto Wholesale (Applicant) Al M. Casatico (Owner)

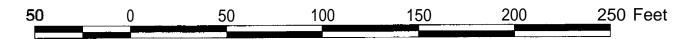
Based on the staff report and the public hearing record:

- 1. On June 6, 1969, the Board of Adjustments approved Use Permit Number 20313, subject to specified conditions, to allow used car sales and minor servicing of automobile for sale on property located at 22301 Mission Boulevard in Hayward, California ("the Property"), situated in a Central City Commercial {CC-C} subdistrict;
- 2. The Property owner and business operator have conducted this use in a manner as to impair the character and integrity of the zoning district and surrounding area by conducting outdoor vehicle repairs on the Property, storing vehicles on an adjacent parking lot located at 811 Grace Street continues contrary to an agreement with the property owner to remove the vehicles, and storing vehicles on a lot located at 22335 Mission Boulevard. City staff has attempted to work with the owners to address these problems for over twenty months. Nevertheless, violation of various Municipal Code requirements has continued. Although the operator and the Property owner once complied, code violations have continued. Based on the extended history of noncompliance for the site, there is no reason to believe that compliance will occur. The manner in which the business is operated constitutes a detriment to the neighborhood.
- 3. The Property owner and business operator have not fully complied with various regulations of the Zoning Ordinance in that: (a) conducting **outdoor** vehicle repairs on the Property, (b) storing vehicles on an adjacent parking lot located at 8 11 Grace Street continues contrary to an agreement with the property owner to remove the vehicles, and (c) storing vehicles on a lot located at 22335 Mission Boulevard. These activities violate the terms of the use permit and are detrimental to the public health, safety, or general welfare.
- 4. Pursuant to Hayward Municipal Code Section 10-1.3260, Subdivision (c), for all of the above stated reasons, Use Permit Number 20313 is hereby revoked.





Aerial Photo Hayward Auto Wholesale 22301 Mission Boulevard



ATTACHMENT B



CITY OF WAYWARD AGENDA REPORT

PLANNING COMMISSION MEETING DATE 01/13/00 AGENDA ITEM 1

TO:

Planning Commission

FROM:

Arlynne J. Camire, Associate Planner

SUBJECT:

Revocation Of Use Permit No. 20313 – Al M. Casatico (Owner): Request of the Planning Director to revoke a use permit due to noncompliance with the conditions of approval - The site is located at 22301 Mission Blvd, in a Central

City Commercial (CC-C) Subdistrict

RECOMMENDATION:

It is recommended that the Planning Commission revoke the use permit for non-compliance with the conditions of approval and municipal **code** requirements.

BACKGROUND:

On June 6, 1969, the Board of Adjustments approved Use Permit Application No. 20313 that allowed used car sales and minor servicing of autos for sale or under warranty at a service station building; heavy repairing is not permitted (Attachment B) although this presently constitutes a major portion of the business.

Conditions of approval require the following:

- Install and maintain a 3-foot landscaped strip adjacent to Mission Boulevard and Grace Street, excluding driveways, as indicated on Exhibit "A."
- Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas, edges of driveways, and planting islands;
- The Richfield identification sign located on **the** roof of the canopy and identifying colors on the building **shall** be removed.

ATTACHMENT C

Project Description

The site is developed with a gas station building, including an **office** and repair garage, with an attached gasoline fuel pump canopy. The fuel pumps have been removed. Hayward Auto Wholesales now occupies the site (Attachment A. 1). In addition, the business owner has leased an adjacent parking lot at 811 Grace Street to use as vehicle storage, and there is no use permit for this use on this parcel (Attachment A.2).

This property has a history of violations. On August 19, 1998, the City received a complaint from a Pearce Street resident about vehicles blocking driveways and parked in violation of several posted parking regulations. Community Preservation staff and the Police Department investigated and found that the vehicles in violation were registered to Mr. Joseph Huber, the business owner of Hayward Auto Wholesale. On August 25, 1998, a letter was sent to the property owner, Mr. Al Casatico, which pointed out property violations including unmet conditions of approval. A follow-up letter was sent September 30, 1998 asking for compliance by October 15, 1998. The property was reinspected on October 16, 1998, and compliance had not occurred. A \$226.00 fine was assessed, and the matter was referred to the Planning Division to begin revocation proceedings. On December 8, 1998, the property was reinspected and little progress was made.

The property was reinspected throughout the month of January 1999 with progress proceeding slowly. In staff's opinion, progress was minimal and, given lack of promised performance in the past, not likely to be completed.

On May 21, 1999 notice of revocation was sent to the property owner and business owner and the public hearing was scheduled for the Planning Commission meeting of June 24, 1999. However, the property **and** business owners met with staff to discuss property violations. Staffed worked with the owner throughout the summer and imposed a compliance deadline of October 4, 1999. The landscape contractor could not **finish his** work by this time so the deadline was extended until October 31, 1999. Since compliance did not occur by that date, staff scheduled the item for the meeting of December 9, 1999, and sent a notice of revocation November 17, 1999. Since that meeting was cancelled, the item was rescheduled for tonight's meeting of January. 13, 2000. This notice of revocation was sent December 13, 1999.

The Planning Director is referring this use permit to the Planning Commission because of noncompliance with the conditions of approval and permitted uses. Specific violations, as outlined below, continue to be problematic:

- Landscaping suffers from lack of maintenance and planters have not been installed,
- Operable vehicles are stored in the parking lot at 811 Grace Street, for which there is no use permit,
- Inoperable vehicles are stored on site,
- An excess of 25 percent of window area is covered with signs,

- Outdoor storage of auto parts and miscellaneous items in the lot and in the planters continues,
- Overall property maintenance is poor.

Violations of the conditions of approval and various other Municipal Code requirements have continued for many years. Based on the extended history of noncompliance on this site, staff has no reason to believe that such violations will cease. These issues are discussed below. Included in the discussion is the response from the owner and discussion of continued property neglect.

1. Landscaping Conditions of Approval

A revised landscape and irrigation plan has been submitted and approved by the City Landscape Architect. The property owner has hired a contractor who has begun to install the planters and landscaping; however, due to the contractor's schedule, the work has not been completed. Staff spoke with the contractor and was told that the work will be completed in the future.

- > Status: Noncompliance.
- 2. Operable and Inoperable Vehicles parked at 811 Grace Street and Inoperable Vehicles parked on the Mission Boulevard site.
- ➤ Recommended Remedy: Remove all vehicles from the adjacent parking lot at 811 Grace Street. It is illegal to store vehicles at this location. In addition, inoperable vehicles may not be stored on the Mission Boulevard site unless the vehicles are awaiting repair.
- > Status: Vehicles continued to be stored even though the applicant had promised compliance in **the** past.
- 3. An excess of 25 percent of window area is covered with paint and signs.
- ➤ Recommended Remedy: Window coverage is not permitted to exceed 25 percent. The windows located on the north side and the rear of the garage are painted to match the building. If the intent is to screen the contents of the garage from view, then the windows should be replaced with a wall. If this is not the intent, the paint is required to be removed.
- > Status: Noncompliance.
- 4. Outdoor storage of auto parts and miscellaneous item in the Mission Boulevard lot and in the planters continues to be problematic. For the most part, overall property maintenance is poor.

- Recommended Remedy: Remove all auto parts and items from the lot. Outdoor storage is not allowed. Auto parts and other items must be stored within the building or garage.
- ➤ Status: Noncompliance.
- 5. Removal of the roof sign located on the fuel pump canopy.
- ➤ Status: Compliance Occurred: **The** roof sign has been removed as required by the conditions of approval. Since the property is located within the Marks Historic District, a sign plan was presented to **the** Citizens Advisory Board for review. The Board requested revisions to the plan and a subsequent review. The revised plan has not yet been submitted for review.

Staff has met and spoken with Mr. Casatico and Mr. Joseph Huber on numerous occasions. With each conversation, some progress has been made and some regression has occurred. However, any compliance has been slow to occur. Both have assured staff that the property will comply by the date of the Planning Commission meeting.

Staff has also communicated with Mr. Tim Wong, the owner of the adjacent parking lot on Grace Street, that automobile storage is not permitted and fines will be assessed at the property owner's expense if the automobiles are not removed. Mr. Wong has contacted Mr. Huber and has a verbal agreement that **the** parking lot was to be cleared by December 28, 1999. This has not been completed.

Public Notice

On January 3, 2000, a Notice of Public Hearing was mailed to every property owner, and resident within 300 feet of the property as noted on the latest assessor's records, to former members of the North Hayward Task Force and to the business owner. No one has responded to the notice. In addition, the business owner has been notified by mail.

Conclusion

After receiving several verbal and written notices over a **14-month** period, the property owner has not complied with two of the conditions of approval of the use permits, as well as property maintenance required by Municipal Code. This property continues to be problematic and given the extended history of noncompliance, there is no reason to believe that such violations will cease. Therefore, staff recommends that the use permit be revoked.

Prepared by:

Arlynne/J. Camire, AICP

Associate Planner

Recommended by:

Cathy Woodbury, ASLA/AICP

Principal Planner/Landscape Architect

Attachments:

A. 1 Zoning-Area Map

A.2 Aerial Photo

- B Board of Adjustments Work Sheet and Conditions of Approval date June 30. 1969
- C Staff report dated December 2, 1991 and Board of Adjustment Minutes dated January 6, 1992
- D Community Preservation Letter dated August 25, 1998
- E Community Preservation Letter dated September 30, 1998
- F Community Preservation Letter dated October 21, 1998
- G Memo from Community Preservation to Development Review Services Division dated December 9, 1998
- H Letter from Planning Division dated May 21, 1999
- I Letter from Planning Division dated September 3, 1999
- J Letter from Planning Division dated November 17, 1999
- **K** Letter from property owner dated November 23, 1999
- L Site Plan

FINDINGS FOR REVOCATION

Use Permit No. 20313 22301 Mission Blvd Hayward Auto Wholesale (Applicant) AI M. Casatico (owner)

Based upon the evidence contained in the staff report and attachments, and presented at the public hearing, the **Planning** Commission of the City of Hayward does hereby find:

- 1. On June 6, 1969, the Board of Adjustments approved Use Permit Number 20313, subject to specified conditions, to allow used car sales **and** minor servicing of automobiles for sale on property located at 22301 Mission Boulevard in Hayward, California ("the Property"), situated in a Central City Commercial (CC-C) subdistrict; and
- 2. The Property owner and business operator have conducted this use in such a manner as to impair the character and integrity of the zoning district and surrounding area by leaving the Property in a state of disrepair, parking cars in such a way as to block private driveways and violate other regulations, storing inoperable vehicles on the site, and violating the City's sign ordinance. City staff has attempted to work with the owners to address these problems for over fourteen months. Nevertheless, violations of the conditions of approval and various other Municipal Code requirements have continued. Although the operator and owner have made some attempts to address the code and permit violations, progress has been slow and seemingly reluctant. Based on the extended history of noncompliance for the site, there is no reason to believe that compliance will occur. The way the business is operated constitutes a detriment to the neighborhood.
- 3. The owner and operator have not fully complied with or completed all conditions of approval or improvements indicated on the approved development plan in that: (a) landscape and irrigation improvements have not been installed, (b) outdoor storage continues, (c) off-site automobile storage on an adjacent parking lot located at 811 Grace Street continues contrary to an agreement with the property owner to remove the vehicles and (d) outdoor automobile repair occurs. These activities violate the terms of the use permit and are detrimental to the public health, safety, and general welfare.
- 4. Pursuant to Hayward Municipal Code section 10-1.3260, subdivision (c), for all of the above stated reasons, Use Permit No. 203 13 is hereby revoked.

CHECK WHICH	CITY	OF HAYWAR'	Applica	tion No. 20313
Street' Excavation Sidewalk	• PLICA	TION AND PEKIN	Taken B	y MLC
Curb and Guiter Driveway	PROPER APPROVAL HER		Permi	it No. 19742
Utilities	Alton C. Heeks Applicant's Name Al Merica Ma		' II Issued I	By JUN 3 0 1969
Parade D	Address 22268 Mission Boul	Levard, Hayward Phone 5	31-5808 Other	Permits:
Variance	Location Of Proposed Work, etc. 22: Owner-Addres: Heville Hess	301 Mission Boulevard	Walnut and 935-9	Tec No.19894
Zone Change	Owner- Address			No
Encroach	Per (Ord) (Res.) No.		,======	No\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
THE	APPLICANT HEREBY APP	LIES FOR PERMISSION		
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for	minor servicing of auto	s for sale or under w	serranty with no	
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executors, administrators and assig	of this permit and other good and valuable consists on sof the undersigned agree to indemnify and ha stability for injury to or death of persons, and/or	old harmless the City of Hayward: the me	propers of the City Council and their a	nagett taruanti and amployees

In consideration of the granting of this permit and other good and valuable consideration therefor, the undersigned intending to be legally bound, does hereby for the undersigned and the heirs executors, administrators, and assigns of the undersigned agree to indemnify and hald harmless the City of Hayward the members of the City Council and their agents, servants and employee and each of them, from and against tability be injury to or death of persons, and/or liability for daringe. In presently, arising from any and off-work herein permitted or incidental thereto a which may arise from failure of permitted to perform the obligations of permittee under this permit; with respect to maintenance, a

Signature of Applicant.....

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It was moved by Mr. Birchfield, seconded by Mr. Wahamaki, and unanimously

CARRIED, that Use Permit Application No. 20313 be APPROVED in accordance
with improvements outlined on plot plan on file with this application and

marked Exhibit "A", with the finding that the proposed use, subject to the

conditions imposed, will not be materially detrimental to the publicwelfare

nor to the property of other persons located in the vicinity thereof; provided
further that, prior to occupancy, all improvements shall be installed in
accordance with the aforesaid exhibit and that the use remains valid subject
to the following conditions:

- Install and maintain a 3-foot landscaped strip adjacent to Mission Boulevard and Grace Street excluding driveways as indicated on Exhibit "A";
- 2. Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas; edges of driveways, and planting islands.
- 3. The RICHFIELD identification sign located on the roof of the canopy and identifying colors on the building shall be removed; and

PUBLIC WORKS CONDITION:

Owner shall dedicate 3 feet along Grace Street and 20-foot radius return at the intersection of Grace Street and Mission Boulevard by August 10, -1969.

19743

PLANNING DEPARTMENT REPORT BOARD OF ADJUSTMENTS

June 10, 1969

ITEM 3: Use Permit Application No. 20313 of Al Meeks Motors for Neville Massa for a used car sales lot using the vacant service station building for minor servicing of autos for sale with no repairing at 22301 Mission Boulevard at the southwest corner of Mission Boulevard and Grace Street in a CG (General Commercial) District.

PROPERTY: Flat, corner parcel

9200 squere feet in area

100-foot frontage on Mission Boulevard

92-foot frontage on Grace Street

PROPOSAL: To use property fox used car sales lot

to use the vacent service station building fox minor servicing of autos for sale with no repairing

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South - Theatre (RITZ) and theatre parking lot

West - Single-family dwelling' (zoned RHB7)

North - Across Grace Street - mortuary (MACHADO'S)

East - Across Mission Boulevard, new and used car sales agency (BUCHANAN CADILLAC) and a dry classing shop

COMMENTS: The proposed use will be compatible with the adjacent uses; however, the site is completely coveted with asphalt and building except for a 4-foot landscaped area (hedge) along both interior property lines.

A 3-foot landscaped strip, parallel with Mission Boulevard and Ross Street, would relieve the barren appearance of asphalt and building and enhance the site. Furthermore, the metal building would Ire far more attractive if it were re-painted and brick or masonry veneers installed on the building walls facing the street.

RECOMMENDATION: Conditional approval with the following conditions:

PRIOR TO OCCUPANCY OR CONNECTION OF GAS AND ELECTRIC UTILITIES:

- 1. Install a 3-foot landscaped strip parallel with Mission Boulavard and Book Street excluding driveways as indicated on Exhibit "A":
- 2. Class "B" Portland Cement concrete curbs shall be constructed to a height of six (6) inches above the finished pavement around the outer perimeter of open parking areas, edges of driveways, and planting islands;
- 3. An underground sprinkler system with sutomatic on/off timer-clock exchanism shall be installed and maintained within required yard areas soutting public streets;

ATTACHMENT C

ITEM 3: Use Permit Application Fo. 20313 of Al Maeka Motors for Neville Massa

- 4. The two driveways nearest the corner of Mission Boulevard and Grace Street shall be abandoned and replaced with sidewalk and curb constructed to City standards;
- 5. Entire structure shall be re-painted;
- A 3-foot brick or masonry veneer shall be installed around the base of main structure;
- 7. The BICHFIELD identification sign located on roof of canopy shall be removed; and

FUBLIC HORKS CONDITION:

Owner shall dedicate 3 feet along Rose Street and 20-foot radius return at the intersection of Rose Street and Mission Boulevard by August 10, 1969.



Mr. Al Casatico 27570 Mission Boulevard Hayward, CA 94544

Subject:

Use Permit Non-Compliance

22301 Mission Boulevard

Case No. 98-1606

Dear Mr. Casatico:

The City of Hayward has received complaints concerning your tenant, Hayward Auto Wholesale, where the business has expanded onto the surrounding streets and properties.

An inspection of the area on August 20, 1998, proved that vehicles from the business were parked in neighboring properties and yourtenant, Joseph Huber, admitted to using a neighboring property to park vehicles for the business. Also discovered, were expanded uses of the site itself, which are contrary to Use Permit (UP) #20313 (copy enclosed) which was approved conditionally on June 17, 1969.

The following uses observed on the property were either **not** included in the approval or are in violation of conditions of approval for UP 20313:

- · Required landscaping and planters missing or removed
- · Required curbing around lot missing or removed
- Corner driveways not removed
- Major repairs of vehicles
- Storage of dismantled vehicles and auto parts
- Off-site parking of vehicles connected with the business
- Placement of rented storage container in back of the lot
- Metal shed placed in back of lot
- Installation of a canopy on west side of building

Hayward Municipal Code (HMC) section 1 0-1 ,541, <u>Conformance – Administrative Modification</u>, states that permits and licenses are issued on the basis of plans

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DEVELOPMENT INSPECTION SERVICES

777 B STREET, HAYWARD, CA 9454 1-5007

TEL: 5 | 0/583-4140 . FAX: 5 | 0/583-3642 . TDD: 5 ! 0/247-3340

ATTACHMENT D

22301 Mission Boulevard Case No. 98-1606 P a g e 2

and applications approved by the Director of Community **and** Economic Development/Planning Director are only valid for uses, arrangements, and construction set forth as approved. Any use, arrangement, or construction other than that authorized is a violation of the Zoning Ordinance.

Therefore, the following will be required to restore the approved conditions of the UP 20313:

- 1. Cessation of major auto repairs upon the property;
- 2. Removal of dismantled and inoperative vehicles from the property;
- 3. Removal of canopy attached to rear of structure;
- 4. Restoration of planters and landscaping as shown in exhibit A;
- 5. Removal of the two driveways nearest Mission and Grace and replace them with sidewalk and curbing to City standards and with permits:
- 6. Install curbing around outer perimeter as shown in item #2 of the Use Permit;
- 7. Remove storage container and shed from property: and
- 8. Discontinue the parking of vehicles from the business on the street and surrounding properties.

Also, the City has no record of a building permit for the installation of the high-intensity light fixture installed upon the southwest corner of the building, nor the signs mounted on this structure. A permit will be required fur both the light fixture and wall mounted signs if you intend to retain them.

A reinspection of the property will be conducted on September 27, 1998. Unless significant compliance is completed of the aforementioned requirements by this date, you shall be assessed a \$226.00 inspection fee and this office will proceed with any necessary civil and criminal measures to bring the property into compliance, included the Use Permit revocation.

22301 Mission Boulevard Case No. 98-1606 Page 3

I recommend that you contact Development Review Service (Planning) at (510) 583-4200 should you have questions concerning **the** Use Permit or to apply for necessary sign and building permits or to apply **for** a modification of the current permit. I can be contacted at (510) 583-4173 if you need further clarification regarding the timeframe or corrections noted in this letter.

Your anticipated cooperation in this matter is appreciated.

For the City of Hayward,

Ken Jeffery

Community Preservation Inspector

Enclosures Use Permit 20313 "Exhibit A"

cc Joseph Huber, Hayward Auto Wholesale

Dyana Anderly, Planning Director

Sargent L. Lowe, Traffic Division, Hayward Police



COMMUNITY PRESERVATION September 30, 1998

Mr. Al Casatico 27570 Mission Boulevard Hayward, CA 94544

Subject:

Use Permit Non-Compliance

23301 Mission Boulevard

Case No. 98-1606

Dear Mr. Casatico:

This letter is to inform you that I have extended the date for compliance of the Zoning, Sign and Community Preservation ordinance violations that were addressed in my letter to you dated August 25, 1998 (copy enclosed) upon your property located at 22301 Mission Boulevard.

A reinspection of the property will be conducted on October 15, 1998.' Should <u>all</u> the violations outtined in the previous letter not be abated by this date, an inspection fee of 3226.00 shall be assessed. Additional reinspections will be assessed at \$81.00 each until compliance is achieved. Further measures such as civil and criminal actions may be also applied to bring the property into compliance. Also, this office will recommend the revocation of the current Use Permit before the Planning Commission.

Please contact me at (510) 583-4173 immediately should you have any questions concerning this letter. Your cooperation in this matter is appreciated.

For the City of Hayward,

Ken Jeffery

Community Preservation Inspector

Enclosure Letter of August 25, 1998

CC Joseph Huber, Hayward Auto Wholesale UP 20353



October 21, 1998

Mr. Al Casatico, 27570 Mission Boulevard Hayward, CA 94544

Subject:

Use Permit Non-Compliance/Failed Inspection

22301 Mission Boulevard

Case No. 98-1506

Dear Mr. Casatico:

On October 16, 1 998, a reinspection of your property at **22301** Mission Boulevard was conducted for compliance of Use Permit violations that were outlined in my letter dated September 30, 1998 to you and your tenant **Mr.** Huber.

I found the following violations of Use Permit 20313 still have not been corrected:

- 1. Required landscaping and planters still missing
- 2. Required curbing around lot missing
- 3. Corner driveways not removed 4
- 4. Continued off-site parking of vehicles connected with the business
- 5. Storage container and shed at back of lot not removed.

In addition to the above uncorrected violations, City files **show** that neither sign permits have been applied for nor an application submitted **to** amend the current Use Permit.

As indicated in my letter of September 30, 1998, any violations not corrected by October 15, 1998 would be assessed a \$226.00 inspection fee. Accordingly, this has been assessed. Furthermore, this matter is being referred to Dyana Anderly, Development Review Services Administrator, recommending that the current Use Permit be revoked.

Please contact me immediately at (510) 583-4173 should **you** have any questions concerning this letter.

22301 Mission Boulevard Case No. 98-1606 Page 2

For the City of Hayward,

Ken Jeffery
Community Preservation Inspector

Joseph Huber, Hayward Auto Wholesale Dyana Anderly, Planning СС

Thank you for using Return Receipt Service.						
I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	4a. Article Number 4b. Service Type Begistered Express Mail Return Receipt for Merchandise 7. Date of Delivery	Addressee's Address (Only if requested and fee is paid) LOMESTIC Heturn Heceipt				
ENIDER: Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Complete items 3, 4a, and 4b. Print your, name and address on the reverse of this form so that we can return this card to you. Altach this form to the front of the mallplece	077C0	B. Addressee's Action (Print Name) Signature: (Addressee of Agent) X S Form 3811, December 1994 C B — (Loc b)				

US Postal Service Receipt for Certified Mail No Insurance Coverage Provided. Do not use for International Mail (See reverse) Sent to Street & Number Post Office, State, & ZiP Code				

P 130 644 624

Memo

To: Joan Borger, Assistant City Attorney

From: Ken Jeffery, Community Preservation Inspector 1/2

cc: Dyana Anderly, Dev. Review Services Administrator

Date: 12/09/98

Re: Hayward Auto Wholesale, 22301 Mission and 811 Grace Street

I went by Hayward Auto Wholesale on Tuesday, December 8, 1998 and found little progress in bringing this property into compliance with the Use Permit. The sidewalks have been demolished and no progress in replacing them. Additionally, there has been no replacement of the required planters or landscaping. The large storage container on the property which was to be removed, is still on the property, Vehicles from the business continue to be parked on the street and continue to be stored in the lot at 811 Grace Street.

At this point, I feel that we should proceed with the recommendation for the revocation of the Use Permit. Let me know how to proceed on this.



May 21, 1999

Al Casatico 27570 Mission Blvd. #B Hayward, CA 94544

Subject: Non-Compliance to Conditions of Approval

Use Permit 20313

22301 Mission Boulevard, Hayward, California

Dear Mr. Casatico:

Upon inspection of 22301 Mission Boulvard on May 19, 1999, it was evident that the conditions of approval of Use Permit No. 20313 have **not** been met. Therefore, revocation proceedings have commenced and will **be discussed** by the Planning Commission on June 24, 1999.

I would like to discuss this matter with you and would appreciate that you call me at (510) 583-4206. Thank you.

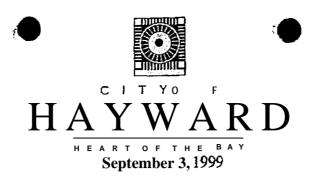
Sincerely,

Arlynne J. Camire, AICP

Associate Planner

cc: Joseph Huber, Hayward Auto **Wholesale**, 22301 Mission Blvd. Hayward, CA 9454 1

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Al Casatico 27570 Mission Blvd. #B Hayward, CA 94544

Subject: Compliance to Conditions of Approval

Use Permit No.20313

22301 Mission Boulevard, Hayward, California

Illegal storage of vehicles

811 Grace Street

Dear Mr .Casatico,

As discussed with you and Mr. Huber, the following items are to **be** completed by October 4, 1999 unless otherwise specified, to bring the properties into compliance with the conditions of approval of Use Permit No. 20313 and Hayward Municipal Code requirements:

- Implementation of the enclosed approved landscape plan.
- All vehicles connected with the business are to be parked on-site.
- As agreed upon by Mr. Hurber and Mr. Tim Wong, the owner of 811 Grace Street, the vehicles stored at 811 Grace Street are to be removed by September 30, 1999.
- Signs are not to cover more than 25 percent of the window area. Please repair the window sign and reduce it to cover not more than 25 percent of the window area.
- Removal of the roof sign. I have had several conversations with the sign manufacturer that you have contracted. However, a sign plan has not been submitted. Since your property is located within the Marks Historic District, all signs are required to be reviewed by the Citizen Advisor Board prior to the issuance of a sign permit. Please have the sign manufacturer submit a plan so this review may occur.

If the items are not completed by October 4, 1999, revocation proceedings will commence and this matter will be schedule for review by the Planning Commission.

I have inspected the property and took note that the concrete curbs have been constructed, and the storage shed and graffiti have been removed. I would like to thank you and Mr. Huber for your efforts to comply with the conditions of approval in light of Mr. Huber's recent lengthy hospitalization. I am pleased that we are working

toward bringing the property in compliance. Please call me at (510) 583-4206 if I can assist you with any of the above items. Thank you.

Sincerely,

Arlynne J. Camire, AICP

Associate Planner

cc: Joseph Huber, Hayward Auto Wholesale, 22301 Mission Blvd., Hayward, CA 94541

Nor Cal Casket Company Inc., 3508 Raven Avenue, Redwood City, CA 94063

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November 17, 1999

Al Casatico 27570 Mission Blvd. #B Hayward, CA 94544

Subject: Non-Compliance to Conditions of Approval

Use Permit 20313

22301 Mission Boulevard, Hayward, California

Dear Mr. Casatico:

As indicated in a correspondence dated September 3, 1999, all conditions of approval of Use Pert-nit 20313 were to **be** met **by** October 4, **1999.** I inspected the site that morning and took note that the conditions of approval had not **been** completed.

During our conversation on October 4, 1999, you stated that you were not able to complete the landscaping because the landscapers were not available until October 14, 1999. You and I agreed upon an extension that required all conditions of approval **to be** met by October 31, 1999. Upon inspection on November I, 1999, I took note that the conditions had not **been** met. I called Mr. Huber and indicated that revocation proceedings would commence. He indicated that he would discuss the matter with you and he **was** presently looking for a site to store vehicles that are parked at 811 **Grace** Street.

Upon inspection on November 16, 1999, it was evident that progress **had** not occurred and the conditions of approval were not met.

The following is the status of the conditions of approval and the condition of the property:

Landscaped areas adjoining sidewalks, drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.

This was partially completed.

A landscape plan was reviewed and approved by Cathy Woodbury, Principal Planner/Landscape Architect. The plan included the following:

- A landscape buffer of evergreen shrubs (such as Photina Fraseria) shall be planted in the south side yard and rear yard 4-foot planters. The shrubs shall be planted 3 feet of center.
- Two 1 j-gallon Crape Myrtles street trees are required on both the Mission Boulevard and the Grace Street frontages. Trees shall be planted according to the City Standard Detail SD-122.
- j-gallon shurbs (such as Rhapiolepis 'Ballerina') are required in the planters on both Mission Boulevard and Grace Street frontages. The shrubs shall be planted 30 inches of center.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT DEVELOPMENT REVIEW SERVICES

777 B STREET, HAYWARD, CA 94541-5007
TEL: 510/583-4200 . FAX: 510/583-3649 . TDD: 510/247-3340



November 17, 1999 Page 2

• An automatic irrigation system is required.

Landscape improvements had not been installed in compliance to the approved landscape plans.

The roof sign has been removed and the Citizen Advisory Board has reviewed a proposed sign, Mr. **Huber** was asked to return with a redesigned sign. Revised plans have not been submitted.

The window sign is in disrepair and covers more than 25 percent of the window area.

It appears that the off-site parking of vehicles connected with the business has ceased however, vehicles continue to be stored at 811 Grace Streef contrary to the request by the property owner, Mr. Tim Wong, to have the vehicles removed by September 30, 1999.

Outdoor storage continues to be a problem. During our inspection on November 16,' 1999, Ken Jeffery, Community Preservation Inspector, and I observed an automobile motor stored in the rear yard and miscellaneous equipment and items stored in the landscape planter on the south side of the property. Outdoor storage is prohibited.

You and Mr. Huber were given several opportunities to comply with the conditions of approval and property maintenance standards. Progress has occurred, however, the conditions of approval continue to be unmet.

Therefore, revocation proceedings have commenced and will be discussed by the Planning Commission on December 9, 1999. I would appreciate that you contact me as soon as possible to discuss this matter. I can be reached at (510) 583-4206. Thank you.

Sincerely.

Arlynne J. Camire, AICP

Associate Planner

cc: Joseph Huber, Hayward Auto Wholesale, 22303 Mission Blvd., Hayward, CA 9454 1 Nor Cal Casket Company Inc., Attn. Tim Wong, 3508 Haven Avenue, Redwood City, CA 94063

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AL CASATICO 27570 Mission Blvd., **#8** Hayward, CA 94544 RECEIVED

NOV 2 9 1999

PLANNING DIVISION

November 23, 1999

MS. ARLYNNE J. CAMIRE, AICP CITY OF HAYWARD Department of Community and Economic Development 777 B Street Hayward, California 94541-5007

RE: Use Permit 20313

22301 Mission Boulevard

Hayward, CA

Dear Ms. Camire:

In response to your letter dated November 17, 1999, you are correct that the work required was not yet completed, however, I do not have control over the people I hire because they are busy this year and they have problems with their calendar also.

Last year, I completed the sidewalks, driveways, and put up 8 inch height concrete curbs **at** great expense. **This** year I hired the same contractor because he is now familiar with the site and his work is excellent.

Please consider my efforts and the expense involved. I **am** sincerely trying to please the City and do all these.things.

On page two, you made mention of a large window sign. Joe had it painted :over and I assumed it was ok, however, after visiting with you, you mentioned that the wall had to be either a wall or windows, so I will ask Mcleod Construction-Company to nail in the window area, because if I replace it with new windows; the people that are attracted to that corner will continue to break them. Also, I was surprised that you mentioned that I am responsible for Joe's Signs. I believe that those signs are part of his business and he was responsible.

Also, please consider that I did not own this property in 1969, when the City told someone to meet all requirements.

Thank you for making that phone call for me, they also gave you commitments on completeing the job. You have been very helpful to me.

Sincerely, AL CASATICO AC/bjv



REGULAR MEETING OF THE PLANNING COMMISSION, COMMISSION, COMMISSION, COMMISSION, COMMISSION, Council Chambers, Thursday, January 13, 2000, 7:30 p.m.
777"B" Street, Hayward, CA 93541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present:

COMMISSIONERS

Bennett, Bogue, Caveglia, Halliday, Williams, Zermeño

CHAIRPERSON

Fish

Absent:

COMMISSIONER

None

Staff Members Present:

Anderly, Borger, Camire, Looney

General Public Present:

Approximately 15

PUBLIC COMMENT - There was no public comment

AGENDA

- 1. Revocation of Use Permit Application No. 20313 Al M. Casatico (Owner): Request of the Planning Manager to revoke a use permit due to noncompliance with the conditions of approval. The project location is 22301 Mission Blvd, in a Central City Commercial (CC-C) Subdistrict.
- 2. Variance No. 99-180-12- Christ's Community Christian Reformed Church (Applicant/Owner): Request for a variance from the sign ordinance requirements to allow a reader board and an internally illuminated plastic sign within a -metal cabinet. The project location is- 25927 Kay Avenue at the north corner Of Kay and Calaroga Avenues in the Single-Family Residential (RS) and the Medium Density Residential (RM) Districts.

PUBLIC HEARINGS

1. Revocation of Use Permit Application No. 20313 - Al M. Casatico (Owner): Request of the Planning Manager to revoke a use petit due to noncompliance with the conditions of approval. The project location is 22301 Mission Blvd, in a Central City Commercial (CC-C) Subdistrict.

Chairperson Fish excused himself from hearing the item due to a conflict of interest, He stated that he owns property near the subject property. Vice Chair Caveglia then took the gavel.

Associate Planner Camire made the staff presentation and indicated that the permit was first approved in June of 1969 by the Board of Adjustments for used car sales and minor servicing of autos for sale. Heavy auto repairing was not permitted. The three conditions of approval required landscaping on Mission Boulevard and Grace Street; concrete curbing around the perimeter of the property; and that an identification sign on the roof was to be removed. She reported that the property has a history of violations including the storage of automobiles on adjacent property. The Zoning Ordinance does not allow on-site auto storage in the Central City

Commercial Zoning Decict. She indicated that staff brought revocation because the owner has missed dates for Installation of the landscaping and removal of stored automobiles. Compliance has not occurred.

Commissioner Williams asked what constituted minor repairs when the permit was first issued.

Planning Manager Anderly explained that the owner could do minor maintenance including oil changes, tire work and work that could occur in one clay, in 'and out service, but no major body work or heavier repair.

Commissioner Halliday asked for further information on the landscaping and the number of cars on the lot.

Associate Planner Camire explained that, although staff had been assured that the landscaping would be completed by December, it still has not been installed in a timely manner. With the exposed piping, etc., the property could be dangerous.

The Public Hearing opened at 7:45 p.m.

Lewis Vohland, 6338 Saroni Drive, Oakland, attorney for the applicant, recommended to both the property owner and the business owner that the cars on the adjoining lot be removed right away. He indicated that they had agreed. The landscaping is mostly done, but things are slow in being installed. He asked that the permit not be revoked at this time since the applicant and owner are making a good faith effort to comply with the conditions of approval. He said the two will do everything they can to maintain the permit.

Al Casatico, 2150 Hidden Oak Drive, Danville, owner of the property, maintained that he will do whatever is necessary to maintain the use permit. He added that they have done all of the curbing and are doing the landscaping as well. He maintained that the lot **on** Grace Street which is used as over-flow is owned by someone else, and is used with permission. He added that the landscaping should be done within a few days, as soon as the plants and trees arrive.

Joseph Huber, 5781 Coldwater Drive, Castro Valley, the business owner on the property, said he has had a number of serious health problems which have limited him in taking care of the property. He has been looking to rent a different location in order to move the cars from his lot. He has proposed moving a number of them to property in the City of Alameda at the old Naval Air Station but is being told by that City that the permit process could take from 60-90 days. He maintained that every vehicle on this property is driveable. He stated that there has been a lot of vandalism on the property, including stolen license plates, which, in turn, make the vehicles inoperable until they are replaced.

Celeste Perry, 26876 Pelham Place, said she filed the original complaint. She maintained that many of the autos were illegally parked on Grace Street, creating a traffic and safety hazard in the neighborhood. She described the situation as a "cat and mouse game," with the applicant moving the cars from space to space instead of getting rid of them.

The Public Hearing Closed at 8:07 p.m.

Commissioner Zermeño moved, seconded by Commissioner Bennett, to give the applicant and owner until the end of January to clean up the property and be in compliance with the requirements of the permit. If they fail to comply the revocation will automatically be invoked.



REGULAR' MEETING OF THE PLANNING COMMISSION, COMMISSION, COMMISSION, COMMISSION, COMMISSION, Council Chambers, Thursday, January 13, 2000, 7:30 p.m.
777 "B" Street, Hayward, CA 94541

Commissioner Williams explained that his main concern is with the neighbors and their quality of life. He said he saw no similar concern on the part of the applicant and owner for those living in the area.

Commissioner Bogue asked whether a condition could be added that no cars be parked in the street. He also asked what the site lines toward the street will be.

Planning Manager Anderly said the Use Permit is for this lot only and not for the other lot or the street, She explained that they would bring in the Engineering Department to determine the necessary, site-lines.

Commissioner Halliday said she was concerned that the cars might be removed by the due date and then returned a few days later. She suggested that perhaps this lot size is not adequate for this type of business.

Commissioner Bennett suggested a friendly amendment of bringing it back for further review in six months.

Commissioner Zermeño said he would agree since the intention of the motion is to give them a chance.

Assistant City Attorney Borger reiterated the motion saying that the findings for revocation would be suspended until February 1. If they are in compliance at that time, the Use Permit would continue. If not, the revocation would be effected and the applicant and owner would have ten (10) days from that time to appeal the revocation to the City Council.

Commissioner Williams suggested the area and the business be monitored through the Police Department since they cite the cars which violate the laws. He suggested this would be a guide for neighbor's concerns. These, then, could be used later to revoke the permits.

Planning Manager Anderly clarified that this requirement is for the majority of the business which is inside the building since the applicant has not formally requested to modify his business.

Commissioner Bennett explained that the point of extending the time was to give Mr. Huber a chance to finish what he has begun in trying to clean Up the area. Given the serious health problems he mentioned, his could be considered a hardship case.

Commissioner Caveglia said he shared Commissioner Halliday's concerns that the history of the business does not warrant further consideration. He said he got the sense that the applicant has a history of these "cat and mouse games" and has been playing them for years.

The motion carried by the following vote:

AYES: COMMISSIONERS Bennett, Williams,

Zermeño

NOES: COMMISSIONERS Caveglia, Halliday

ABSENT: None

ABSTAIN: CHAIRPERSON Fish

2. Variance No. 99-180-12- Christ's Community Christian Reformed Church (Applicant/Owner): Request for a variance from the sign ordinance requirements to allow a reader board and an internally illuminated plastic sign within a metal cabinet. The project location is 25927 Kay Avenue at the north corner of Kay and Calaroga Avenues in the Single-Family Residential (RS) and the Medium Density Residential (RM) Districts.

Associate Planner Carnire described the sign proposed for the Church. She explained why staff was recommending a denial of the variance but, if approved, asked that the rock base and planter be continued for several inches up the side of the sign; that there be no internal illumination; and that the paint be textured to match the **color** of the stucco of the church. She then responded to questions from members.

Commissioner Bennett asked for the differences between permission for this sign, and those on several other churches in the City. She was told that those she mentioned were in more commercial areas, whereas this is a strictly residential area.

Commissioner Zermeño asked whether the approval cited from the president of the Homes Association was only for herself or was she speaking for the Association.

Associate Planner Carnire said she did not know how the whole association feels about the proposal, but had received calls from several residents in opposition

The Public Hearing Opened at 8:38 p.m.

John Vonhof, 4438 Gibraltar Drive, Fremont, clerk of the Church Board said their intent was to erect the sign in August. Originally, they had planned for a much larger sign with no internal lighting. The City told them the sign did not meet the design standards. He said he brought in a picture of the proposed sign and was given the go-ahead for ordering it. He indicated that he had never received any material on the process until after they had already ordered the sign and it was too late to get a refund. He said when they were given to understand that they had to request a variance, they decided to ask for the internal lighting as well. He added that there had been a lot of miscommunication with City staff on this issue.

Larry Frylin24362 Chandler Road, pastor of the Church, said the reason for the new sign is that they changed the name of the Church. He said they were not aware they needed a permit for the sign. They have been accumulating the \$4,000 they needed for the sign. He also indicated that there had been a communication problem with staff at the City. He said that they have done a great deal to improve the physical appearance of the property since they have been there. He did ask why the HARD and Pepsi signs were not being shown since they are very close to the church. He added that the reader board is an acceptable way to communicate with the neighborhood about Church activities. We indicated that internal lighting for the sign is safer for the community than bulbs placed in the ground surrounding the sign.

Peter Schoo, 6359 Golletta Drive, Newark, property manager for the Church, said he thought



REGULAR MEETING OF THE PLANNING COMMISSION, CY OF HAYWARD, Council Chambers, Thursday, January 13, 2000, 7:30 p.m.
777 "B" Street, Hayward, CA 94541

having the stone creep up the side of the sign would be inappropriate since there would be. an attractive nuisance and a safety issue with children. He commented **that** the sign will be a major attraction for children as it 'is.

Associate Planner Camire explained that staff is proposing a small continuation up from the base and not that the rocks be built to the top.

The Public Hearing closed at 8:55 p.m.

Commissioner Zermeño asked why the stress on internal lighting?

Mr. Shoo responded that including it in the sign added only another \$200 to the cost and it is a soft-type lighting which should not disturb the neighborhood as it would not point toward the condominiums nearby.

Commissioner Zermeño then asked, if not internal lighting, what would they have?

Mr. Shoo said they would install external evening lights.

Associate Planner Camire added that they would install lights in wells in the Found lighting up toward the sign.

After saying there were obviously communication problems with staff, Commissioner Halliday moved, seconded by Commissioner Bennett, to approve the variance with the exception of the internal illumination. She said she did not see that the scroll work is out of place; the rocks do not need to come up the sides, and it is important for churches to have a reader board with a cover, as a result plastic material should be allowed.

Commissioner Bennett, added that in looking at the findings for approval, there are special circumstances with houses behind and facing the other church; the applicant could enjoy rights enjoyed by others in the district; and it would not be a special privilege.

Commissioner Caveglia said he has problems with churches having brightly lit signs.

Commissioner Williams said he would rather allow the Church to use the interior illumination since spot-lights could be of a much higher wattage and more disturbing to the neighborhood. He said he would be more comfortable with the internal as the specified lighting.

Commissioner Bogue said he would not support the motion since the other sign at the adjacent church meets the Sign Ordinance regulations. He added that the rocks would not fit into the area.

Chairperson Fish said he did not agree with the lights outside since it could be a maintenance problem and a nuisance. He felt bad that for the expenditure but he could not support the motion.

The motion carried by the following vote:

AYES: COMMISSIONERS Bennett, Williams, Zermeño

-NOES:

COMMISSIONERS Bogue, Caveglia

CHAIRPERSON Fish

ABSENT: None ABSTAIN: None

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced that this is the only and final meeting in January. There will be a Planning Commission training session in Monterey if anyone is interested in attending. The Worksession was also cancelled due to lack of interest.

4. Commissioners' Announcements, Referrals

Commissioner Bennett expressed significant concerns regarding recent communications from FEMA as to a change in the designation of flood plains in the area. She suggested the new information would have a significant impact in the South of Route 92 area, and wondered if, as a result, the Commission could recall the EIR for that area.

Planning Manager Anderly suggested that her inquiry raised a number of significant questions that would need further study and more time to answer.

Commissioner Williams commented on the disregard Caltrans seems to give Hayward. He suggested that, perhaps, rather than a strong letter, our local elected officials might make a trip to Sacramento to speak with State officials regarding the issues of refuse along the freeways, weeds, and trees.

Commissioner Bogue announced an upcoming candidates night sponsored by the Southgate Homeowners Association.

Commissioner Halliday asked for further information regarding a building under construction in the parking lot at the Gateway Shopping Center on Jackson, and whether the Center would still meet parking regulations since it seems so crowded in there already.

Planning Manager Anderly indicated that the project was approved several years ago and is just now being built.

Chairperson Fish announced that Assistant City Attorney Borger is leaving her position with the City. He read a resolution to her from the Planning Commission commending her for her fine work on behalf of both the City and the Commission.

MINUTES

November 18, 1999 - Approved

Commissioner Bennett commented that she would have liked the Minutes to reflect her comments regarding Costco cooperating with the City Redevelopment Agency in developing



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers, Thursday, January 13, 2000, 7:30 p.m.

777 "B" Street, Hayward, CA 94541

their property but did not ask for further changes.

ADJOURNMENT

The meeting was adjourned by Chairperson Fish at 9: 18 p.m.

APPROVED:

Barbara Halliday, Secretary

Planning Commission

ATAEST:

Edith Looney

Commission Secretary



March 30, 2000

Joseph Huber Hayward Auto Wholesale 22301 Mission Blvd. Hayward, CA 94541

Subject: Use Permit No.20313 - Status

22301 Mission Boulevard, Hayward, California

Dear Mr. Huber,

As you may recall, the Planning Commission did not revoke your use permit on January 13, 2000, and asked staff to bring back your use permit for further review in six months. Therefore, this is a reminder that the Planning Commission will again be reviewing your use permit in June 2000.

Since the January 2000 public hearing, we have noticed there are still outstanding issues associated with your operation. Specifically,

- you have not confined your operation to your lot as some of your business is being
 conducted on the public street on Mission Boulevard in front of 22301 Mission Boulevard,
 on Grace Street, and some of your vehicles and equipment are stored on the adjacent St.
 Vincent de Paul property,
- all repair work is required to be conducted within your building, yet repair is being conducted outside the building, and
- you have not limited your operation to retail sales only. You mentioned that you also wholesale to other auto dealers and to an auction; however, your use permit is for retail sales only.

It is our observation that your business has outgrown the property in terms of the amount of area you require to conduct business, which impairs the character and integrity of the



neighborhood. This information will be provided to the Planning Commission when they again consider whether to revoke your use permit to operate in June.

It is our continued hope that you can conduct your business in a manner that contributes in a positive way to the neighborhood, particularly in terms of its impacts on the streetscape, traffic congestion and parking. This would mean that you would have to scale back your operation significantly or relocate to a site that can better meet your needs.

Sincerely,

Oyana anderly, AICP

Planning Manager

cc: AI Casatico, 27570 Mission Boulevard, #B, Hayward, CA 94544

4133 MOHR AVENUE, SUITE E PLEASANTON, CALIFORNIA 94588

TELEPHONE(925) 484-0260

FAX (925) 484-4184

RECEIVED

April 12, 2000

APR 1 9 2000

City of Hayward
Dyana Anderly, AICP
Planning Manager
777 B Street
Hayward, California, 94541

PLANNING DIVISION

Re: 2230-I Mission Blvd., Hayward

Dear Dyana Anderly,

I have been retained by Mr. Huber to represent him in the continuing situation surrounding his business located at the above stated location. It is my understanding that Mr. Huber has done business in the City of Hayward since 1992. He has operated his business from that location for over 5 years. Prior to that he operated from 575 C Street, Hayward; now "Duke City Motors".

I am in receipt of your March 30, 2000 letter. As such I personally conducted an inspection of the business on April 6, 2000. I saw no evidence that repairs were being performed outside of the garage area, no evidence that business was being conducted on the public streets, no proof that Mr. Huber is running a "wholesale" business and I was shown a valid rental agreement for the space located on the St. Vincent de Paul property. I also observed a "for lease" sign referring to the St. Vincent de Paul storage lot.

I have reviewed the letters and other documents generated by the City of Hayward. I also understand your comments in the March 30, 2000 as a threat against Mr. Huber's livelihood. The continuing harassment of Mr. Huber is a violation of California law. The city is well aware of the procedures required of it if it feels a business should be moved.

I plead with you and the rest of the city staff to cease this illegal assault on Mr. Huber and engage me in a reasonable discourse regarding the future of Mr. Huber's business Please contact me to discuss this matter.

∀eγy truly yours

Attorney at Law

Celeste Perry

26876 **Peiham Piace** Hayward, CA **94542** 510-886-8855

e-mail: ccgranmap@ca.freei.net or ccgranmap@yahoo.com

July 15, 2000

Honorable Members City of Hayward Planning Commission

Dear Commissioners:

I have not communicated with you since February. At that time, I mentioned Hayward Auto Wholesaler (HAW) was storing his automobiles, (inoperable and operable) on the property Society of Saint Vincent de Paul (SVdP) proposes to develop. After being given several dates, all long gone, by which time HAW was to remove the vehicles **from** this property the vehicles remain.

In addition, HAW has continued to park his overflow vehicles in the lot adjacent to the West of his business. I have enclosed pictures of the cars parked on this **lot, cars** I have personally seen employees of HAW park **in** this lot. I have seen the cars parked there only on Saturday. They are parked there in the morning and removed in the evening. This is very similar to **HAW's** practice of parking on Pearce St. (Pictures taken July **11, 2000,** of cars on Pearce St. included). The cat and mouse game has continued since I last **wrote** you.

I have observed cars being removed from the **SVdP's thrift** store parking lot after the store is closed. I have been told the gates are locked at five in the evening, when the store closes. My observation has been **HAW's** employee moving cars out of the parking lot and unlocking the gate to do so.

During business hours, this parking lot is used daily by HAW to park the vehicle overflow. HAW owner and employees park their vehicles either in the **SVdP** lot or on Pearce St.

As I mentioned in February, a lot of time and Hayward Police Department budget has been spent **responding to** parking and traffic congestion on Pearce St. I feel the police have more important things to do rather than trying to force HAW to comply with the law.

It is now time for you to revoke Hayward Auto Wholesaler's use permit. This business has shown no interest in nor intent to follow the guidelines given to **him** by you at the last hearing.

I will be present at the hearing on July 27, 2000, should you have any questions **regarding** my observations or pictures.

Very truly yours,

ATTACHMENT F

Celeste Perry

Celeste Perry

26876 Pelham Place
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510-886-8855
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July 14, 2000

As evidenced by these photographs, Hayward Auto Wholesaler (HAW) has continued to use the lot directly adjacent to their business to store vehicles. The Planning Commission directed this business to stop this practice.

The practice of parking and storing vehicles on the neighboring streets was also **to** cease. As evidenced by the enclosed photographs, HAW has not stopped parking and storing its overflow of vehicles on Pearce St.

From: celeste perry <ccgranmap@yahoo.com>

To: COHD.CED(ArlynneC)
Date: Wed, Jul 19, 2000 7:52 PM
Subject: Hayward Auto Wholesaler (HAW)

Hi Arlynne,

Sorry t was not here to receive your telephone call today. I am not sure which lot you mean when you asked me if I had actually seen HAW move vehicles onto and off the lot.

Having said that, I will tell you what I have seen and what my mother has seen regarding the movement of vehicles by HAW (or their employees).

I saw on two occasions the blonde young man whom I have seen working at HAW leaving a vehicle in the lot directly adjacent to the West of HAW (on the South side of Grace St.) This is the lot that had been cleared of vehicles and remains so during the week. However, on Saturday vehicles appear. I have never observed the vehicles being removed from the lot, they are not there on Sunday.

This same young man was observed the nlght SVdP held the last neighborhood meeting unlocking the thrift shop parking lot (Mission Blvd.) after business hours (about 15 minutes before the meeting) by myself, my mother, Rose Anderson and Millie Baptista. There were vehicles (some of the same ones that had been parked on Sat. on the Grace St. lot) locked behind the gate. When I took my mother home, the Mission Blvd. lot was empty and the gate was locked.

On one other occasion, I observed this same young man unlocking the Mission **Blvd**. lot at **7:00p.m.**, again there were cars behind the locked gate that were not there 3 hrs. later.

The vehicles parked on Pearce St. have been observed by my mother. She tells me she sees HAW employees (not just the blonde young man, park the vehicles and move the vehicles from one place to another. Some of the vehicles are removed for the night, some stay parked on the street for many days.

Reporting the vehicles parked for several days to the HPD no longer gets a response from them. The police presence that was on Pearce St. and helped free the street of HAW vehicles is no more. As I presented to City Council last night (7-28-200) the cars are solid from Grace St. to the middle of the block most days and nights. These cars do not belong to residents of Pearce St.

If you have more questions and I am not available, please call my mother, Rose Anderson at **581-3420**. She can tell you exactly what she has observed regarding the movement of vehicles by HAW. Celeste Perry

Celeste Perry ccgranmap@yahoo.com (as of 7-14-2000, I will no longer be using Freei).